

REMARKS

Claims 1-22 are pending. By this Amendment, the specification is amended to refer to reference numbers 150, 250, 350, 450, 550 and 750 to clarify that these indicated regions in the drawings refer to the active region. No new matter is introduced.

Entry of the amendments is proper under 37 C.F.R. §1.116 since the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to objection raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action refused acceptance of the replacement drawings for adding reference numbers not mentioned in the specification. The originally filed specification is amended to include the missing reference numbers. The active regions was disclosed in the specification, though not renumbered, at page 8, line 19; page 9, line 2; and page 10, line 4, for example. Thus, Applicant respectfully requests acceptance of the replacement sheets of the drawings showing Figs. 1-5, 10A and 10B, which are again attached.

The Office Action objects to the drawings. As noted above, the specification is amended to refer to the reference numbers in the drawings. Thus, the objection to the drawings is obviated. Withdrawal of the objection to the drawings is respectfully solicited.

Applicant appreciates the Office Action's indication that claims 15-22 are allowed and the claims 2-6 and 10-13 contain allowable subject matter. However, Applicant respectfully submits that claims 1, 7-9 and 14 should also be allowed, as discussed below.

The Office Action rejects claims 1, 7-9 and 14 under 35 U.S.C. §102(e) over Takahashi et al. (U.S. Patent No. 6,765,232, Takahashi). This rejection is respectfully traversed.

The Office Action asserts that Takahashi disclosed "a low-resistance layer interposed between the current confining layer and the active region" citing Fig. 80 of Takahashi. However, Fig. 80 does not disclose or suggest a low-resistance layer interposed between the current confining layer and the active region. As shown in Fig. 80, the active region include the GaAs spacer layers 2067 and active layers 2068. Takahashi did not disclose any layers between the active layers 2068 and the current confining part 2071. See C85/L46-63 or paragraphs 845 and 846 of U.S. Publication No. 2005/0040413. Thus, Takahashi did not disclose or suggest a low-resistance layer interposed between the current confining layer and the active region, as recited in claims 1 and 8.

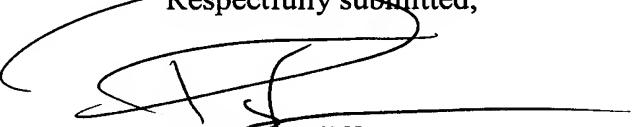
In view of the above, Takahashi did not disclose or suggest the subject matter recited in claims 1 and 8. Claim 7 depends from claim 1, and claims 9 and 14 depend from claim 8. Thus, Takahashi did not disclose the subject matter recited in claims 1, 7-9 and 14.

Withdrawal of the rejection of claims 1, 7-9 and 14 under 35 U.S.C. §102(e) is respectfully solicited.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Replacement Drawings

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